

107TH CONGRESS  
2D SESSION

# H. R. 3876

To establish the San Rafael Western Frontier National Heritage Area in the State of Utah, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2002

Mr. CANNON introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To establish the San Rafael Western Frontier National Heritage Area in the State of Utah, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “San Rafael Western  
5       Frontier National Heritage Area Act”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds the following:

8               (1) The history of the American West is one of  
9       the most significant chapters of United States his-  
10      tory, and the major themes and images of the his-

1 tory of the American West provide a legacy that has  
2 done much to shape the contemporary culture, atti-  
3 tudes, and values of the American West and the  
4 United States.

5 (2) The San Rafael region of the State of Utah  
6 was one of the country's last frontiers and possesses  
7 important historical, cultural, and natural resources  
8 that are representative of the central themes associ-  
9 ated with the history of the American West, includ-  
10 ing themes of pre-Columbian and Native American  
11 culture, exploration, pioneering, settlement, ranch-  
12 ing, outlaws, prospecting and mining, water develop-  
13 ment and irrigation, railroad building, industrial de-  
14 velopment, and the use and conservation of natural  
15 resources.

16 (3) The San Rafael region contains important  
17 historical sites, including sections of the Old Spanish  
18 Trail, the Outlaw Trail, the Green River Crossing,  
19 and many sites associated with cowboy, pioneer, and  
20 mining history.

21 (4) The heritage of the San Rafael region in-  
22 cludes the activities of many prominent historical  
23 figures of the old American West, such as Chief  
24 Walker, John Wesley Powell, Kit Carson, John C.

1 Fremont, John W. Gunnison, Butch Cassidy, John  
2 W. Taylor, and the Swasey brothers.

3 (5) The San Rafael region has a notable history  
4 of coal and uranium mining and a rich cultural her-  
5 itage of activities associated with mining, such as  
6 prospecting, railroad building, immigrant workers,  
7 coal camps, labor union movements, and mining dis-  
8 asters.

9 (6) The San Rafael region is widely recognized  
10 for its significant paleontological resources and dino-  
11 saur bone quarries, including the Cleveland Lloyd  
12 Dinosaur Quarry which was designated as a Na-  
13 tional Natural Landmark in 1966.

14 (7) The beautiful rural landscapes, historic and  
15 cultural landscapes, and spectacular scenic vistas of  
16 the San Rafael region contain significant undevel-  
17 oped recreational opportunities for people through-  
18 out the United States.

19 (8) Museums and visitor centers have already  
20 been constructed in the San Rafael region, including  
21 the John Wesley Powell River History Museum, the  
22 College of Eastern Utah Prehistoric Museum, the  
23 Museum of the San Rafael, the Western Mining and  
24 Railroad Museum, the Emery County Pioneer Mu-  
25 seum, and the Cleveland Lloyd Dinosaur Quarry,

1 and these museums are available to interpret the  
2 themes of the National Heritage Area established by  
3 this Act and to coordinate the interpretive and pres-  
4 ervation activities of the area.

5 (9) Despite the efforts of the State of Utah, po-  
6 litical subdivisions of the State, volunteer organiza-  
7 tions, and private businesses, the cultural, historical,  
8 natural, and recreational resources of the San  
9 Rafael region have not realized their full potential  
10 and may be lost without assistance from the Federal  
11 Government.

12 (10) Many of the historical, cultural, and sci-  
13 entific sites of the San Rafael region are located on  
14 lands owned by the Federal Government and are  
15 managed by the Bureau of Land Management or the  
16 United States Forest Service.

17 (11) The preservation of the cultural, historical,  
18 natural, and recreational resources of the San  
19 Rafael region within a regional framework requires  
20 cooperation among local property owners and Fed-  
21 eral, State, and local government entities.

22 (12) Partnerships between Federal, State, and  
23 local governments, local and regional entities of  
24 these governments, and the private sector offer the  
25 most effective opportunities for the enhancement

1 and management of the cultural, historical, natural,  
2 and recreational resources of the San Rafael region.

3 (b) PURPOSES.—The purposes of this Act are as fol-  
4 lows:

5 (1) To establish the San Rafael Western Fron-  
6 tier National Heritage Area to promote the preser-  
7 vation, conservation, interpretation, and development  
8 of the historical, cultural, natural, and recreational  
9 resources related to the historical, cultural, and in-  
10 dustrial heritage of the San Rafael region of the  
11 State of Utah.

12 (2) To encourage within the National Heritage  
13 Area a broad range of economic and recreational op-  
14 portunities to enhance the quality of life for present  
15 and future generations.

16 (3) To assist the State of Utah, political sub-  
17 divisions of the State and their local and regional  
18 entities, and nonprofit organizations, or combina-  
19 tions thereof, in preparing and implementing a herit-  
20 age plan for the National Heritage Area and in de-  
21 veloping policies and programs that will preserve, en-  
22 hance, and interpret the cultural, historical, natural,  
23 recreational, and scenic resources of the Heritage  
24 Area.

1           (4) To authorize the Secretary of the Interior  
2           to provide financial assistance and technical assist-  
3           ance to support the preparation and implementation  
4           of the heritage plan for the San Rafael Western  
5           Frontier National Heritage Area.

6 **SEC. 3. DEFINITIONS.**

7           For purposes of this Act:

8           (1) HERITAGE AREA; NATIONAL HERITAGE  
9           AREA.—The terms “Heritage Area” and “National  
10          Heritage Area” mean the San Rafael Western Fron-  
11          tier National Heritage Area established by this Act.

12          (2) HERITAGE COUNCIL.—The term “Heritage  
13          Council” means the San Rafael Heritage Council, a  
14          Board reflecting a broad cross-section of interests  
15          within the National Heritage Area, such as economic  
16          development, travel, tourism, recreation, heritage  
17          and historical organizations, public and private land  
18          interests, and State and local governments, and op-  
19          erating under section 501(c)(3) of the Internal Rev-  
20          enue Code of 1986.

21          (3) HERITAGE PLAN.—The term “heritage  
22          plan” means the plan described in section 6.

23          (4) SECRETARY.—The term “Secretary” means  
24          the Secretary of the Interior.

1           (5) FINANCIAL ASSISTANCE.—The term “finan-  
 2       cial assistance” means funds appropriated by the  
 3       Congress and made available to the Heritage Coun-  
 4       cil for the purposes of this Act.

5           (6) TECHNICAL ASSISTANCE.—The term “tech-  
 6       nical assistance” means any guidance, advice, help,  
 7       or aid, other than financial assistance, provided by  
 8       the Secretary.

9       **SEC. 4. SAN RAFAEL WESTERN FRONTIER NATIONAL HER-**  
 10       **ITAGE AREA.**

11       (a) ESTABLISHMENT.—There is established in the  
 12       State of Utah the San Rafael Western Frontier National  
 13       Heritage Area.

14       (b) BOUNDARIES.—

15           (1) IN GENERAL.—The boundaries of the Herit-  
 16       age Area shall include lands in Utah that are encom-  
 17       passed by the boundaries of Emery County.

18           (2) MAP.—The Secretary shall prepare a map  
 19       of the Heritage Area which shall be on file and  
 20       available for public inspection in the office of the Di-  
 21       rector of the National Park Service and the Director  
 22       of the Bureau of Land Management.

23           (3) NOTICE TO LOCAL GOVERNMENTS.—The  
 24       Heritage Council shall provide written notice of the  
 25       proposal to the government of Emery County and

1 each city and town that has jurisdiction over the  
2 property proposed to be included in the Heritage  
3 Area.

4 **SEC. 5. LOCAL COORDINATING ENTITY FOR NATIONAL**  
5 **HERITAGE AREA.**

6 (a) IN GENERAL.—The Heritage Council shall be the  
7 local coordinating entity for the Heritage Area.

8 (b) FEDERAL FUNDING.—

9 (1) AUTHORIZATION TO RECEIVE FUNDS.—The  
10 Heritage Council may receive amounts appropriated  
11 to carry out this Act.

12 (2) DISQUALIFICATION.—If a heritage plan for  
13 the Heritage Area is not submitted to the Secretary  
14 as required under section 6 within the time speci-  
15 fied, the Heritage Council shall cease to be author-  
16 ized to receive Federal funding under this Act until  
17 such a plan is submitted to the Secretary.

18 (c) AUTHORITIES OF HERITAGE COUNCIL.—The  
19 Heritage Council may, for purposes of preparing and im-  
20 plementing the heritage plan for the Heritage Area, use  
21 Federal funds made available under this Act for the fol-  
22 lowing purposes:

23 (1) To make grants or loans to the State of  
24 Utah and its political subdivisions, nonprofit organi-  
25 zations, and other persons.



1           (2) To enter into cooperative agreements with  
2           the State of Utah, its political subdivisions, non-  
3           profit organizations, and other organizations.

4           (3) To hire and compensate staff.

5           (4) To obtain money from any source under  
6           any program or law requiring the recipient of such  
7           money to make a contribution in order to receive  
8           such money.

9           (5) To contract for goods and services.

10          (d) PROHIBITION OF ACQUISITION OF REAL PROP-  
11          ERTY.—The Heritage Council may not use Federal funds  
12          received under this Act to acquire real property or any  
13          interest in real property.

14          **SEC. 6. PREPARATION OF HERITAGE PLAN.**

15          (a) PREPARATION REQUIRED.—Not later than 3  
16          years after the date of the enactment of this Act, the Her-  
17          itage Council shall prepare and submit to the Secretary  
18          for review a heritage plan for the Heritage Area.

19          (b) PLAN REQUIREMENTS.—The heritage plan sub-  
20          mitted under this section shall—

21                  (1) contain comprehensive recommendations for  
22                  the conservation, funding, management, and devel-  
23                  opment of the Heritage Area;

24                  (2) be prepared with public participation;

1           (3) take into consideration existing Federal,  
2       State, county, and local plans and involve residents,  
3       public agencies, and private organizations in the  
4       Heritage Area;

5           (4) not supersede or take precedence over exist-  
6       ing plans or planning processes of Federal land  
7       management agencies having jurisdiction within the  
8       Heritage Area;

9           (5) include a description of actions that units of  
10      government and private organizations may take to  
11      protect, restore, develop, enhance, or maintain the  
12      resources of the Heritage Area; and

13          (6) identify existing and potential sources of  
14      Federal and non-Federal funding for the conserva-  
15      tion, management, and development of the Heritage  
16      Area.

17      (c) ADDITIONAL INFORMATION.—The heritage plan  
18      may include the following, as appropriate:

19          (1) An inventory of resources contained in the  
20      Heritage Area, including a list of sites in the Herit-  
21      age Area that should be conserved, restored, man-  
22      aged, developed, or maintained because of the nat-  
23      ural, cultural, or historic significance of the sites as  
24      they relate to the themes of the Heritage Area.

1           (2) A recommendation of policies for resource  
2           management that consider and detail the application  
3           of appropriate management techniques, including co-  
4           operative agreements to manage the historical, cul-  
5           tural, and natural resources and recreational oppor-  
6           tunities for the Heritage Area in a manner con-  
7           sistent with appropriate and compatible economic vi-  
8           ability.

9           (3) A program for implementation of the herit-  
10          age plan.

11          (4) An analysis of means by which Federal,  
12          State, and local programs may best be coordinated  
13          to promote the purposes of this Act.

14          (5) An interpretive plan for the Heritage Area.

15          (d) CONSIDERATION BY SECRETARY.—

16           (1) APPROVAL OR DISAPPROVAL.—Not later  
17           than 60 days after receipt of the heritage plan sub-  
18           mitted under subsection (a), the Secretary shall ap-  
19           prove or disapprove the heritage plan. If the Sec-  
20           retary has taken no action within 60 days after re-  
21           ceipt, the heritage plan shall be considered to be ap-  
22           proved.

23           (2) EFFECT OF DISAPPROVAL.—If the Sec-  
24           retary disapproves the heritage plan, the Secretary  
25           shall advise the Heritage Council, in writing, of the

1 reasons for the disapproval and shall make rec-  
2 ommendations for revision of the heritage plan.

3 (3) RESUBMISSION.—Not later than 60 days  
4 after receipt of a revised heritage plan, the Secretary  
5 shall approve or disapprove the proposed revisions to  
6 the heritage plan. If the Secretary has taken no ac-  
7 tion within 60 days after receipt, the heritage plan  
8 shall be considered approved.

9 **SEC. 7. IMPLEMENTATION OF HERITAGE PLAN.**

10 (a) PRIORITIES.—The Heritage Council shall give  
11 priority to the implementation of actions, goals, and poli-  
12 cies set forth in the heritage plan for the Heritage Area,  
13 including assisting units of government, regional planning  
14 organizations, and nonprofit organizations and others in  
15 the following:

16 (1) Conserving the natural and cultural re-  
17 sources in the Heritage Area.

18 (2) Establishing and maintaining interpretive  
19 exhibits and joint site stewardship programs in the  
20 Heritage Area.

21 (3) Developing recreational opportunities in the  
22 Heritage Area.

23 (4) Increasing public awareness of and appre-  
24 ciation for the natural, historical, and cultural re-  
25 sources of the Heritage Area.

1           (5) The restoration of historic buildings that  
2           are located within the boundaries of the Heritage  
3           Area and related to the themes of the Heritage  
4           Area.

5           (6) Ensuring that clear, consistent, and  
6           esthetically appropriate signs identifying access  
7           points and sites of interest are put in place through-  
8           out the Heritage Area.

9           (7) Encouraging and soliciting the development  
10          of heritage products and activities consistent with  
11          the goals of the heritage plan, thereby preserving the  
12          heritage while strengthening future economic viabil-  
13          ity in the affected communities by appropriate  
14          means.

15          (b) CONSIDERATION OF INTERESTS OF LOCAL  
16          GROUPS.—When preparing and implementing the heritage  
17          plan for the Heritage Area, the Heritage Council shall  
18          consider the interests of diverse units of government, busi-  
19          nesses, private property owners, and nonprofit groups  
20          within the Heritage Area.

21          (c) PUBLIC MEETINGS.—The Heritage Council shall,  
22          conduct public meetings at least annually regarding the  
23          implementation of the heritage plan.

24          (d) ANNUAL REPORTS.—The Heritage Council shall,  
25          for any fiscal year in which it receives Federal funds under

1 this Act or in which a loan made by the Heritage Council  
2 with Federal funds under section 5(c)(1) is outstanding,  
3 submit an annual report to the Secretary setting forth its  
4 accomplishments, its expenses and income, and the enti-  
5 ties to which it made any loans and grants during the year  
6 for which the report is made.

7 (e) COOPERATION WITH AUDITS.—The Heritage  
8 Council shall, for any year in which it receives Federal  
9 funds under this Act or in which a loan made by the Herit-  
10 age Council with Federal funds under section 5(c)(1) is  
11 outstanding, make available for audit by the Congress, the  
12 Secretary, and appropriate units of government all records  
13 and other information pertaining to the expenditure of  
14 such funds and any matching funds, and require, for all  
15 agreements authorizing expenditure of Federal funds by  
16 other organizations, that the receiving organizations make  
17 available for such audit all records and other information  
18 pertaining to the expenditure of such funds.

19 **SEC. 8. DUTIES AND AUTHORITIES OF THE SECRETARY**  
20 **AND OTHER FEDERAL AGENCIES.**

21 (a) PROVISION OF TECHNICAL ASSISTANCE AND FI-  
22 NANCIAL ASSISTANCE.—The Secretary may provide tech-  
23 nical assistance and, subject to the availability of appro-  
24 priations, financial assistance in the form of grants—

1           (1) to the Heritage Council, regarding prepara-  
2           tion and implementation of the heritage plan; and

3           (2) to units of government, nonprofit organiza-  
4           tions, and other persons upon request of the Herit-  
5           age Council.

6           (b) PROHIBITION OF CERTAIN REQUIREMENTS.—

7   The Secretary may not, as a condition of the award of  
8   technical assistance or grants under this section, require  
9   any recipient of such technical assistance or grant to enact  
10   or modify land use restrictions.

11          (c) DETERMINATIONS REGARDING ASSISTANCE.—

12   The Secretary shall decide if a unit of government, non-  
13   profit organization, or other person shall be awarded tech-  
14   nical assistance or grants and the amount of that assist-  
15   ance. Such decisions shall be based on the relative degree  
16   to which the assistance effectively fulfills the objectives  
17   contained in the heritage plan and achieves the purposes  
18   of this Act. Such decisions shall give consideration to  
19   projects which provide a greater leverage of Federal funds.

20          (d) PROVISION OF INFORMATION.—In cooperation  
21   with other Federal agencies, the Secretary shall provide  
22   the general public with information regarding the location  
23   and character of the Heritage Area.

1 (e) OTHER ASSISTANCE.—The Secretary may enter  
 2 into cooperative agreements with public and private orga-  
 3 nizations for the purposes of implementing this subsection.

4 (f) DUTIES OF OTHER FEDERAL AGENCIES.—Fed-  
 5 eral agencies having jurisdiction within the Heritage Area  
 6 shall ensure that historic resources and the heritage plan  
 7 are taken into consideration at all levels of planning, and  
 8 shall consult with the Heritage Council on any activities  
 9 that may adversely affect heritage resources or the objec-  
 10 tives of the heritage plan in an effort to minimize the ad-  
 11 verse effects of the activity on the Heritage Area.

12 **SEC. 9. LACK OF EFFECT ON LAND USE REGULATIONS AND**  
 13 **PRIVATE PROPERTY.**

14 (a) LACK OF EFFECT ON AUTHORITY OF GOVERN-  
 15 MENTS.—Nothing in this Act shall be construed to modify,  
 16 enlarge, or diminish any authority of Federal, State, or  
 17 local governments to regulate any use of land as provided  
 18 for by law or regulation.

19 (b) LACK OF ZONING OR LAND USE POWERS.—  
 20 Nothing in this Act shall be construed to grant powers  
 21 of zoning or land use control to the Heritage Council for  
 22 the Heritage Area.

23 (c) LOCAL AUTHORITY AND PRIVATE PROPERTY  
 24 NOT AFFECTED.—Nothing in this Act shall be construed



1 to affect or to authorize the Heritage Council to interfere  
2 with—

3 (1) the rights of any person with respect to pri-  
4 vate property; or

5 (2) any local zoning ordinance or land use plan  
6 of the State of Utah or political subdivision thereof.

7 (d) LACK OF EFFECT ON BLM AND U.S. FOREST  
8 SERVICE AUTHORITY.—

9 (1) IN GENERAL.—Nothing in this Act shall be  
10 construed to modify, enlarge, or diminish the au-  
11 thority of the Secretary, the Bureau of Land Man-  
12 agement, the Secretary of Agriculture, or the United  
13 States Forest Service with respect to lands under  
14 the administrative jurisdiction of these agencies.

15 (2) COOPERATION.—In carrying out this Act,  
16 the Secretary shall work cooperatively under the  
17 Federal Land Policy and Management Act of 1976  
18 with the United States Forest Service, the Heritage  
19 Council established under section 5, State and local  
20 governments, and private entities.

21 (e) LACK OF EFFECT ON FISH AND WILDLIFE MAN-  
22 AGEMENT.—Nothing in this Act shall be construed to  
23 modify, enlarge or diminish the authority of the State of  
24 Utah to manage fish and wildlife, including the regulation  
25 of fishing and hunting within the Heritage Area.

1 **SEC. 10. SUNSET.**

2       The Secretary may not make any grant or provide  
3 any assistance under this Act after September 30, 2022.

4 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

5       (a) IN GENERAL.—There are authorized to be appro-  
6 priated under this Act not more than \$1,000,000 annu-  
7 ally, to remain available until expended. Not more than  
8 a total of \$10,000,000 may be appropriated for the Herit-  
9 age Area under this Act.

10       (b) LIMITATION ON PERCENT OF COST.—

11           (1) IN GENERAL.—Federal funding provided  
12 under this Act, after the designation of the National  
13 Heritage Area, for any technical assistance or grant  
14 with respect to the area may not exceed 50 percent  
15 of the total cost of the assistance or grant. Federal  
16 funding provided under this Act with respect to an  
17 area before the designation of the area as the Na-  
18 tional Heritage Area may not exceed an amount pro-  
19 portionate to the level of local support of and com-  
20 mitment to the designation of the area.

21           (2) TREATMENT OF DONATIONS.—The value of  
22 property or services donated by non-Federal sources  
23 and used for management of the National Heritage  
24 Area shall be treated as non-Federal funding for  
25 purposes of paragraph (1).

1       (c) ALLOCATION OF APPROPRIATIONS.—Notwith-  
2 standing any other provision of law, no funds appropriated  
3 or otherwise made available to the Secretary to carry out  
4 this Act—

5           (1) may be obligated or expended by any person  
6 unless the appropriation of such funds has been allo-  
7 cated in the manner prescribed by this Act; or

8           (2) may be obligated or expended by any person  
9 in excess of the amount prescribed by this Act.

○